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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054

In the Matter of )  
 )  
MOKAN DIAL, INC. ) CC Docket No. 92-237  
 )  
Request for Waiver of Carrier )  
Identification Code Requirement )  
  
To: Network Services Division, Common Carrier Bureau

REQUEST FOR WAIVER

MoKan Dial, Inc. (MoKan), by its attorney and pursuant to Section 1.3 of the Commission's Rules, requests waiver **until June 30, 1998**, of the requirement in the CICs Order on Reconsideration<sup>1</sup> for local exchange carriers (LECs) providing equal access to convert their switches to recognize four-digit Carrier Identification Codes (CICs) by January 1, 1998.

Special Circumstances

MoKan is a small LEC (approximately 3,720 access lines), which has provided equal access to toll carriers since November, 1995. It presently serves exchanges in the Kansas communities of Louisburg (approximately 2,245 access lines), Hillsdale (approximately 400 access lines) and Rantoul (approximately 337 access lines); and the Missouri community of Freeman (approximately 738 access lines).

MoKan has designed its network such that the Louisburg

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<sup>1</sup> Order on Reconsideration, Order on Application for Review, and Second Further Notice of Proposed Rulemaking (Administration of the North American Numbering Plan, Carrier Identification Codes (CICs)), CC Docket No. 92-237, FCC 97-386, released Oct. 22, 1997.

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office serves as a host switching office (HSO), while the Hillsdale, Rantoul and Freeman offices serve as satellite switching offices (SSOs). Data links connect the Louisburg HSO with the three SSOs for recording and administrative purposes. However, the three SSOs can provide local and toll service on a stand-alone basis, and can perform limited recording functions on a temporary basis.

MoKan installed Northern Telecom (Nortel) DMS 10 switches at its Louisburg and Freeman offices in 1988, and at its Hillsdale and Rantoul offices in 1991. The Louisburg and Freeman offices are equipped with Nortel's Release No. 403.31 operating system software, while the Hillsdale and Rantoul offices are equipped with Nortel's Release No. 404.40 operating system software.

For its network to recognize four-digit CICs, MoKan must upgrade the operating system software of each of its four switches to at least Nortel Release No. 405.20. This software upgrade will also require the purchase and installation of new processors for the Louisburg and Freeman switches.

However, these hardware and software upgrades are complicated by federal and state numbering and number portability requirements. Pursuant to Part 52 of the Commission's Rules, MoKan's Louisburg, Hillsdale and Freeman exchanges (which are located within the Kansas City Metropolitan Statistical Area) need to deploy long-term database methods for local number portability by June 30, 1998. Moreover, the Kansas Corporation Commission has required MoKan's Rantoul exchange to implement

interchangeable NPAs by October, 1998. MoKan has determined that it would be most practicable, economical and efficient to upgrade the operating system software of all four of its exchanges in one step to Nortel's Release No. 410.10 to accommodate all of the required CIC and numbering changes.

MoKan has been discussing hardware and software options and proposals with Nortel since July, 1997. It has resolved most hardware and software issues, and is relatively close to completing pricing and financing issues.

MoKan expects to conclude negotiations and enter into purchase agreements early in 1998. It understands that the necessary Louisburg and Freeman hardware can be delivered and installed within three months after the purchase agreements are finalized. It expects that all hardware and software can be installed, tested and made ready for commercial operation no later than June 30, 1998.

#### **The Requested Waiver Should Be Granted**

At paragraph 24 of its CICs Order on Reconsideration, the Commission recognized that some LECs may not be able to convert their switches to accept four-digit CICs by the January 1, 1998 deadline. It stated that LECs unable to meet this conversion deadline must seek relief from the Commission prior to that date.

In an Order (Clarks Telecommunications Co.), DA 97-2528, released December 3, 1997 [CIC Waiver Order], the Network Services Division granted waivers of the conversion deadline to several small LECs for periods extending up to June 30, 1998. The

Division noted therein that the following three factors were relevant to its consideration of waiver requests: (1) the LEC's diligence in upgrading its switches; (2) the availability from manufacturers of products required to accomplish the upgrade; and (3) the impact of an extension of the conversion deadline on the interexchange carriers (IXCs) served by the LEC's switches and on customers' ability to reach IXCs through carrier access code (CAC) dialing. CIC Waiver Order at para. 15.

Here, MoKan has been studying and discussing with vendors the hardware and software upgrades necessary to comply economically and efficiently with federal and state CIC and numbering requirements since July, 1997. It has determined that the requisite hardware and software are available from Nortel, and is close to completing acceptable pricing and financing arrangements. It believes that the necessary hardware and software upgrades can be ordered, delivered, installed, tested, adjusted, and otherwise made ready for commercial operation by the June 30, 1998 termination date of the permissive dialing period.

MoKan's 3,720 access lines constitute a minute fraction of the United States access lines served by IXCs. The brief extension requested by MoKan will not disrupt the efforts of any IXC to prepare its network for four-digit CIC calling or to educate its customers regarding the same. Because MoKan's conversion will be completed by the end of the permissive dialing period, the proposed extension should not adversely impact the ability of MoKan's customers to reach IXCs through CAC dialing.

In contrast, denial of the requested waiver would place MoKan in a position where it could not physically comply with the January 1, 1998 deadline, and where it would have to unduly rush the conversion of its switching system in early 1998 by incurring unnecessary additional costs and malfunction risks.

Finally, grant of a waiver would be consistent with the Commission's commitment to reducing regulatory burdens on small telephone companies. See, e.g., Notice of Proposed Rulemaking (End User Common Line Charges), 10 FCC Rcd. 8565, 8580 (1995); Report and Order (Competitive Service Safeguards for Local Exchange Carrier Provision of Commercial Mobile Radio Services), FCC 97-352, released Sept. 30, 1997 (noting that Congress expressed concern in the 1996 Act about burdens placed on small and rural LECs); Notice of Proposed Rulemaking (Regulation of Small Telephone Companies), 2 FCC Rcd. 1010, 1010 (1986) (minimizing regulatory burdens), adopted by 2 FCC Rcd. 3811 (1987) (Report and Order), recon., 3 FCC Rcd. 5770 (1988); LEC Price Cap Order, 5 FCC Rcd. 6786, 6818 (1990) (recognizing that small telephone companies should not be forced into a regulatory regime that was designed based largely on performance of large telephone companies); Report and Order (Regulatory Reform for Local Exchange Carriers Subject to Rate of Return Regulation), 8 FCC Rcd. 4545 (1993) (adopting a new and different set of optional incentive regulations designed specifically for small LECs); Order on Reconsideration (Interstate Interexchange Marketplace), FCC 97-293, para. 105, released Aug. 15, 1997 (rejecting

suggestion to require the deployment of SS7 because it would impose greater burdens on small LECs); Second Report and Order (Telephone Number Portability), FCC 97-289, paras. 8-9, released Aug. 14, 1997 (stating that the Commission had reduced burdens on rural and smaller LECs).

#### Conclusion

MoKan has shown good cause under Section 1.3 of the Rules and the criteria in the CIC Waiver Order that the January 1, 1998 CIC conversion deadline should be waived, and that it should be given until June 30, 1998, to convert its switches to recognize four-digit CICs. See WAIT Radio v. FCC, 418 F.2d 1153, 1157 (1969), and Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

Respectfully submitted,  
**MOKAN DIAL, INC.**

By

  
Gerard J. Duffy

Its Attorney

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Dated: December 31, 1997

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MOKAN DIAL INC.  
BLOOSTON, et al

005-008

DECLARATION

I, Donald D. Stowell, hereby state the following:

1. I am the General Manager of MoKan Dial, Inc.
2. I have read the foregoing "Request for Waiver" prepared for filing with the Federal Communications Commission on behalf of MoKan Dial, Inc.
3. With the exception of those facts of which official notice can be taken, all facts statements made regarding MoKan Dial, Inc. in the "Request For Waiver" are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 30th day of December, 1997.

  
Donald D. Stowell

### CERTIFICATE OF SERVICE

I, Sharmon Truesdale, an employee of Blooston, Mordkofsky, Jackson & Dickens, certify that on this 31st day of December 1997, copies of the foregoing REQUEST FOR WAIVER have been hand-delivered to:

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Federal Communications Commission  
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Network Services Division  
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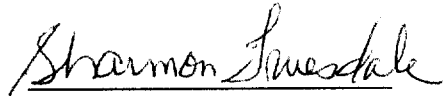
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